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September 11, 2018

Lisa J. Stevenson
Acting General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

Re: **MUR 7122: Response to "additional information" from Right to Rise USA and Charles R. Spies in his official capacity as treasurer**

Dear Ms. Stevenson:

We are writing this letter on behalf of Right to Rise USA and Charles R. Spies in his official capacity as treasurer (collectively "Right to Rise") in response to the letter regarding MUR 7122 in which the Commission states that it has "obtained additional information that may indicate that by soliciting and knowingly accepting contributions from [American Pacific International Capital, Inc. ('APIC')], Right to Rise may have violated 52 U.S.C. § 30121(a)(2)." While we appreciate the Commission providing an opportunity to supplement Right to Rise's initial response in this matter, nothing has changed since submitting that response. Right to Rise was not named as a respondent in the complaint, the complaint does not allege any violations of the Act by Right to Rise, and Right to Rise is not aware of any violations of the Act.

All of the information before the Commission, whether from the original complaint or the "additional information," clearly indicates that Right to Rise had a policy against soliciting or accepting foreign national contributions. Indeed, Right to Rise took every reasonable measure to ensure compliance with federal law, including drafting and providing to its agents the legal memo discussed below, requiring all contributors to confirm that they were legally permitted to make contributions to Right to Rise, and screening contributions it received. To suggest that Right to Rise may have committed a *knowing and willful* violation of the Act, despite its proactive approach to educating its agents of the Act's prohibitions and safeguards it put in place to prevent receiving prohibited contributions, is nothing short of outrageous.

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For the purposes of resolving this matter as quickly as possible as relates to Right to Rise, Right to Rise provides the following responses to each point of the "additional information"¹ provided by the Commission:

- *Neil Bush, the brother of Jeb Bush, a candidate supported by Right to Rise, solicited contributions for Right to Rise during 2015.*

RESPONSE: Right to Rise leadership has no specific knowledge of whether Neil Bush solicited contributions on its behalf in 2015, but notes that there is no federal law prohibiting him from doing so.

- *Right to Rise may have authorized Neil Bush to act as its agent to solicit contributions on its behalf. For example, in February 2015, Right to Rise provided Neil Bush with a memorandum regarding the prohibition on foreign national contributions and how it applied to domestic subsidiaries of foreign corporations, which Neil Bush then provided to Wilson Chen and Huaidan Chen a/k/a Celine Tang a/k/a Serena Tang ("Serena Tang").*

RESPONSE: If Right to Rise provided a "memorandum regarding the prohibition on foreign national contributions and how it applied to domestic subsidiaries of foreign corporations" (the "Legal Memo") to Neil Bush, it should be commended for its efforts to ensure compliance with the Act and Commission regulations. Right to Rise notes that the Legal Memo's purpose was to instruct Right to Rise, and its agents, on how to comply with the Act and Commission regulations. When the Legal Memo was later publicly published by the media, legal experts, including those quoted in the article that formed the basis of the complaint in this matter, agreed that it was an accurate summary of the Act and Commission regulations after *Citizens United*.

- *Neil Bush knew that his fellow APIC board members Gordon Tang and his wife Serena Tang, lived in China and were Chinese nationals.*

RESPONSE: Right to Rise has no knowledge of the subjective knowledge of Neil Bush.

- *During the weekend of February 6, 2015, Neil Bush met with Gordon Tang in China and discussed the possibility of APIC making a contribution to Right to Rise.*

RESPONSE: Right to Rise leadership has no knowledge of whether this meeting took place nor what was discussed if it did.

¹ It should be noted that this "additional information" is in the form of unsubstantiated claims, many which have nothing to do with Right to Rise and/or Right to Rise doesn't have first-hand knowledge of. The Commission has not provided any evidence to support the information nor the source of the information.

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- *Later in February 2015, Neil Bush contacted APIC Executive Director Wilson Chen and Serena Tang to solicit a contribution from APIC. In soliciting Wilson Chen and Serena Tang, Neil Bush explicitly referenced his prior conversation with Gordon Tang about a possible APIC contribution to Right to Rise.*

RESPONSE: Right to Rise leadership has no knowledge regarding any of these events or conversations.

- *Neil Bush provided Wilson Chen and Serena Tang with a memorandum from Right to Rise regarding the prohibition on foreign national contributions and its application to domestic subsidiaries of foreign corporations.*

RESPONSE: See previous responses. Right to Rise notes that this statement confirms the effect of the exhaustive efforts Right to Rise took to ensure compliance with the Act and Commission regulations (i.e. Right to Rise's legal compliance memo was shared with potential donors).

- *Serena Tang, at Gordon Tang's direction, instructed APIC Executive Director Wilson Chen to follow-up on Neil Bush's solicitation of APIC and Neil Bush was included in Serena Tang's communication with Wilson Chen.*

RESPONSE: Right to Rise leadership has no knowledge regarding any of these events or conversations.

- *On March 18, 2015, Wilson Chen contacted you, as Right to Rise's treasurer/legal counsel, and expressed interest in contributing to Right to Rise on behalf of APIC, and Neil Bush was sent this communication. On March 24, 2015, Right to Rise sent a contribution form to Wilson Chen.*

RESPONSE: As explained in the Complaint, Wilson Chen is a United States citizen. The purpose of the referenced Legal Memo was to instruct Right to Rise, and its agents, on how to comply with the Act and Commission regulations. Additionally, the contribution form provided to Wilson Chen contained the Commission-approved disclaimer requiring the contributor to verify that they are not a foreign national and are permitted to make the contribution. In other words, Right to Rise had multiple levels of safeguards designed to prevent it from receiving a prohibited contribution. To state that Right to Rise may have "knowingly" violated the Act's ban on foreign national contributions despite having a clear policy designed to prevent receiving such a contribution is absurd.

- *In April 2015, following APIC's first contribution, you, as Right to Rise's treasurer/legal counsel, contacted Wilson Chen regarding his citizenship status. Shortly thereafter, Wilson Chen informed you that he was a U.S. citizen.*

RESPONSE: Right to Rise objects to any suggestion that it did not inquire about Wilson Chen's nationality until after it received the first contribution. To the contrary, Right to Rise knew throughout the process that Wilson Chen was a United States citizen. After it received the first

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contribution, Right to Rise requested a copy of Wilson Chen's passport in order to supplement its records.

This point that you (the Commission) make also confirms that Right to Rise's policy was to accept contributions only from permissible sources and to request additional information where necessary to document full compliance with the Act and Commission regulations.

These responses are provided from our personal recollection of activities two to three years ago. If the Commission has other specific information that it would like responses to, or if Right to Rise can facilitate responses from its agents that were contemporaneously involved with, or have first-hand knowledge of, the events in question, we would be happy to assist the Commission in confirming that Right to Rise complied with the Act and Commission regulations.

Thank you for your prompt consideration of this matter, and please do not hesitate to contact us directly at (202) 572-8663 with any questions or requests for additional information.

Respectfully submitted,



Charles R. Spies
Treasurer to Right to Rise USA

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